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DOCKET NO. P-999/M-97-506

ORDER CLARIFYING PROCESS FOR APPROVAL OF CENTRAL OFFICE CODE
DUPLICATION REQUESTS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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In the Matter of a Relief Plan for the Exhaust of
the 612 Area Code

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PROCEDURAL HISTORY

On April 6, 1999, the Commission issued an Order After Reconsideration avoiding a predicted exhaust of telephone numbers in the 612 area code by dividing the 612 area into three geographic zones or numbering plan areas: Minneapolis, Fort Snelling, Richfield, and St. Anthony retained the 612 area code and the western suburbs were divided into north and south numbering plan areas, each to receive a new area code.¹ Boundaries for the numbering plan areas (area codes) followed municipal boundaries.

At the request of the Commission and the industry, the North American Numbering Plan Administrator (NANPA or the NANP Administrator, currently NeuStar, Inc.) facilitated industry meetings on January 19, 2000 and February 7, 2000 to address the treatment of telephone numbers containing “orphaned” central office (CO) codes.

As a result of the two meetings, the industry decided, by consensus, that the parent CO code should be duplicated by the CO code holder upon request of the service provider servicing the orphaned ported number.

On February 14, 2000, the North American Numbering Plan Administrator (NANPA) filed a petition on behalf of the Minnesota Telecommunications Industry² requesting that the

¹ Subsequently, the North American Numbering Plan Administrator (NANPA or the NANP Administrator) gave the north zone the 763 area code and the south zone the 952 area code.

² The NANP Administrator explained that "the Industry" upon whose behalf it spoke in its February 14, 2000 petition consists of all the telecommunications carriers operating in or considering operations within the State of Minnesota.

Commission permit the duplication of central office codes in which ported numbers from the code are separated by the new numbering plan area boundaries created by the Commission-ordered three way split of the existing (612) area code.

On February 17, 2000, comments on the Industry Petition were filed on by the Department of Commerce, GTE, USWC, and the Metropolitan 911 Board. Comments were filed by AT&T on February 18, 2000.

On February 23, 2000 the Commission issued a Notice of Comment Period and Hearing Date. In the Notice, the Commission established a hearing date in this proceeding of March 28, 2000. In addition, the Commission solicited comments from interested parties regarding the following questions:

1. how many customers hold the 18,315 orphaned ported telephone numbers cited by NANPA in its petition;
2. how many access lines (telephone numbers) does each customer have;
3. when was each access line (telephone number) ported;
4. what criteria will a company use in deciding whether or not to come back to the Commission to ask for relief if the Commission adopts the DOC's recommendation; and
5. if the Commission adopts NANPA's recommendation and pending the FCC's 1,000 number block ruling, assuming the CLEC who is getting the duplicate code gets all 10,000 numbers, is there a way this can be done without contaminating the full 10,000 block so that when the FCC's ruling comes down any unused balance of the 10,000 block of numbers can be handed back.

On March 8, 2000, comments in response to the Commission's Notice were filed by AT&T, GTE, USWC, and MCI WorldCom.

The Commission met on March 28, 2000 to consider this matter.

FINDINGS AND CONCLUSIONS

I. BACKGROUND

Over the past four years, the Commission has taken a series of actions to avoid running out of telephone numbers in the Minneapolis-St. Paul metropolitan area, the area that was served at the beginning of this period by one area code: 612. Through these measures the Commission has assured that there will be enough telephone numbers to accommodate growth in demand for telecommunications service into the foreseeable future. What the Commission avoided by these measures is referred to as "area code exhaust" and the shorthand term for the results of these efforts is "area code relief". Equally important to the Commission in the course of area code relief is that telephone numbers be made available to incumbent providers and their competitors in an even-handed manner. A brief summary of actions taken to date is attached, marked Attachment A.

The main outlines of the Commission's plan to provide area code relief for the Minneapolis-St. Paul metropolitan area are in place: the area formerly served by the 612 area code has been divided into four area codes: 612, 651, 763, and 952. Initially, area code 612 was divided in two numbering plan areas (612 and new area code 651). This division has completed its transitional (permissive) period and become final (mandatory). Next, the Commission divided the 612 area code into three numbering plan areas (612 and two new area codes, 763 and 952). This division began its transitional stage (permissive dialing) on February 27, 2000 and will become final (mandatory dialing) January 14, 2001.

As with any complex rearrangement, it is anticipated that certain practical questions may arise during the course of implementing area code relief. In this Order the Commission considers one such concern and adopts, with important additions (conditions), a proposal prepared by an industry work group to deal with that concern.

II. DESCRIPTION OF THE CONCERN

This Order addresses the problem posed by CO codes that are “orphaned” in the following manner.³ Before the new numbering plan areas and their corresponding area code numbers were created, all the central offices (and their corresponding CO codes⁴) comprising the 612 numbering plan area were “homed” in a particular location within the existing numbering plan area. During this time, end users who moved from the “home” area of their CO code to another area within the same numbering plan area could retain their original CO code because their numbering plan area continued to contain the central office (CO) in question. With the

³ Discussion of the “orphaned” number phenomenon can involve use of the term “ported number.” Unfortunately, the term “ported number” is being used to describe two very different circumstances: 1) a number is referred to as “ported” if the end user to whom it has been assigned **changes service providers** without changing telephone numbers; such numbers may but need not be “orphaned”; 2) a number is also referred to as “ported” if the end user to whom it has been assigned **moves from one area code to another** without changing its CO code; this “orphan” may but need not receive service from an alternate carrier. To distinguish between the two kinds of “porting”, the first kind could be called “carrier porting” and the second called “locational porting.” However, since CO codes can be “orphaned” with or without “porting” (of either variety), having been “ported” is clearly not an essential characteristic of an “orphaned” CO code. Since the subject of this Order, “orphaned” CO codes, can be adequately discussed without using the ambiguous term “ported”, the Commission analysis portion this Order (SECTION V) will avoid the ambiguity by not using it at all.

⁴ The CO code is the three digit prefix of the end user's 7-digit number: the XXX of the number XXX-ABCD is the number's CO code.

establishment of new numbering plan areas, however, some end users (without changing location) found themselves in another numbering plan area that did not have the CO code in question.⁵

The vast majority of end users, of course, do not have “orphaned” CO codes.⁶ They will continue to use their pre-area code split CO number and experience no CO code problem. For the end users with “orphaned” CO codes, however, the concern is real. The end user's “orphaned” CO code is subject to discontinuance at the end of the permissive dialing period.

Duplication of the orphaned CO code in the non-home numbering plan area is a logical option. However, out of concern for number conservation and in deference to the Commission's role in this process, the NANP Administrator has not automatically authorized duplication of CO codes that have become “orphaned” (as described above) in planning areas where the CO codes are not “homed.” Hence, the issue comes before the Commission in this Order.

III. INDUSTRY PROPOSAL

In a petition filed on behalf of the Minnesota Telecommunications Industry on February 14, 2000, the NANP Administrator reported that at the request of the Commission and the Industry it had facilitated two meeting between industry representatives in early 2000 to address the orphaned numbers problem.

The NANP Administrator requested Commission approval of what it termed the Industry's consensus position that the parent CO code should be duplicated by the CO code holder (incumbent local exchange carrier) upon request by the service provider servicing the orphaned number. The NANP Administrator stated that the “Industry” it spoke for is comprised of telecommunications carriers operating in or considering operations within the State of Minnesota but clarified that USWC opposed the consensus position. The NANP Administrator further clarified that as the neutral third party administrator, it had no independent view regarding the Industry's consensus position.

⁵ To clarify, this Order does not address the fact that newly created area code boundaries that cut across some central offices resulted in end users with the same CO code on both sides of the area code boundary. This has not been a problem because in response to that situation, the NANP Administrator has authorized duplication of these codes and, consequently, the continued use of the CO code by end users located on both sides of the numbering plan area boundary.

⁶ The following information helps to establish the size of this problem and put it in perspective. Based on the comments received for the parties on March 8, 2000, the number of “orphaned” telephone numbers is 2,145 and the number of parent CO codes is 25.

IV. OBJECTIONS TO THE INDUSTRY PROPOSAL

A. The Department

The Department recommended that the Commission deny the Industry Proposal to duplicate central office codes where numbers have been ported between the (612), (763) and (952) area codes. The Department recommended that any company believing a CO code should be duplicated should petition the Commission for approval of the duplication and in the absence of a demonstration by a company that a central office code should be duplicated, the Commission should order companies to provide a new telephone number to those customers that have been ported to a different area code. The Department further recommended that the Commission order companies to provide new telephone numbers to customers that have been ported to a different area code.

While the Department opposed the Industry Proposal as filed, it acknowledged that there may be some limited situations in which the duplication of a central office code could be accepted. At the hearing on this matter, the Department stated that Commission approval of code duplication subject to a showing of certain specified items to the NANP Administrator by the party proposing duplication (conditions considered by the Commission at that hearing) could achieve the same results as the Department's own recommendation that the Commission consider requests for duplication on a case-by-case basis. The Department, however, urged the Commission to consider requiring a showing that the requested code duplication was needed by a certain number of end users (more than one) before duplication of a CO code would be authorized.

B. USWC

USWC argued that the Industry Proposal aimed to solve a problem created by action which directly violated Commission Orders and should be rejected. USWC saw the Industry Proposal as seeking to ensure that customers who have moved across the area code boundaries established in the 612 area code relief matter retain their seven-digit telephone numbers when the split becomes effective. USWC noted that in its January 26, 1998 Order in this matter, the Commission ruled that porting of telephone numbers across existing and future area code boundaries was not allowed and in its June 4, 1999 Order extended this restriction to include the future 763/952 area code boundary. USWC alleged that despite these Orders porting of telephone numbers across the future area code boundaries continued.

USWC also argued that assignment of entire NXX codes (blocks of 10,000 numbers) to enable a few customers in each code to retain their existing seven-digit telephone numbers is the ultimate example of inefficient use of numbering resources. USWC asserted that accepting this proposal would further shorten the life of the three area codes and accelerate the need for additional area code relief. USWC recommended that the Commission should, at a minimum, require the NANP Administrator to determine the impacts of this proposal on area code relief prior to issuing its decision.

C. GTE

GTE opposed the consensus agreement, alleging that it would disadvantage 9,999 existing customers by prohibiting them from receiving recorded announcements advising them that they have dialed the wrong area code in order to protect the telephone number of only one customer who is on the other side of the area code boundary. GTE also argued that by duplicating codes that will be used very little the consensus agreement would waste approximately 760,000 telephone numbers in the short run (76 duplicated codes in blocks of 10,000) and possibly lock up some numbers for the foreseeable future. According to GTE, this would shorten the time frame before the Commission will once again be required to undertake additional area code relief activity.

As an alternative, GTE supported US West's suggestion that the Commission not allow duplication of codes if a carrier had assigned a customer a number in an area after the industry had been notified of the split boundary. Such action would be a violation of the Commission's order, and those customers should not have their NXX codes duplicated.

V. COMMISSION ANALYSIS AND ACTION

A. Under What Conditions Should the NANP Administrator Allow Code Duplication?

Because the Commission remains committed to the geographical integrity of the area codes it has established in the former 612 area, end users located in a numbering plan area that has been assigned a new area code will not be allowed to retain their former area code. In this docket, the Commission considers whether customers should be allowed to keep their CO code if that code has been "orphaned", as described above, by authorizing the duplication of the CO code in the numbering plan area that is not the CO code's original home. The two primary concerns about such duplication of CO codes are: 1) concern to maximize the conservation of numbers and 2) concern not to accommodate providers who have violated Commission Orders.

Having considered this matter carefully, the Commission concludes that under certain conditions duplication of orphaned CO codes will be acceptable and should be granted by the NANP Administrator as a reasonable accommodation to the affected customers and their providers. The results of denying duplication are clear: end users whose current CO code is "orphaned" would lose their current CO code and receive a new 10-digit telephone number having a CO code that is "homed" in the end user's current numbering plan area. It is important to recognize that some duplication of codes has already occurred. USWC has requested and the NANP Administrator has allowed USWC to duplicate numerous central office codes for its own customers to ease the transition to the new area codes. To maintain the competitive neutrality of the Commission's area code relief plan, then, it appears that at least some duplication of central

office codes for USWC's competitors will be necessary. The Commission believes this can be done while still taking reasonable precautions to minimize the risk of contaminating an unreasonable (disproportionate) number of numbers.⁷

The Commission will not accept the Industry Proposal as filed and will impose certain conditions that must be met before the NANP Administrator may authorize any duplication of CO codes. These conditions reasonably address valid concerns raised by parties objecting to the Industry Proposal. In considering a request for duplication of an orphaned CO code, the NANP Administrator will review the application to determine that all three of these conditions have been met.

First: the need for duplicating the orphaned CO code must not result from the end user moving to the non-home location and being allowed by its provider to retain its previous 7-digit telephone number **after** the Commission's Order establishing the new numbering plan areas. In other words, end users meet this condition if their CO codes were "orphaned" solely by the Commission's action in creating the new number planning areas, not by the end user's own movement from its CO code's home area after the Commission established the new area codes. This condition addresses USWC and GTE's concern, which the Commission shares, that Order violators not be accommodated.

Second: the incumbent LEC must be able to provide an appropriate intercept message (recorded announcement that the wrong area code has been dialed) on a line-level basis, i.e., not to all of the CO code's numbers but for the specific lines whose end users' CO codes have been orphaned. Customers who have duplicated codes and persons calling them should have the benefit of intercept calls recorded announcement. The Commission understands that USWC does this (line level intercept) for its own "orphaned" customers in the thirty five central offices it has duplicated.

Third: duplication will be limited to one 1,000s block of numbers within a given CO code. The Commission is serious about number conservation and stewarding the numbers available. USWC and GTE are overly alarmist in fearing that blocks of **10,000** would be assigned an alternate provider to address a handful of end users with orphaned CO codes. The numbers can and should be parceled out in batches of 1,000⁸ and it is quite likely that number pooling will become available before too long.⁹ Nevertheless, the cautionary note is acknowledged and at this time the

⁷ The Commission notes, for instance, that Minnesota Number Conservation Team's recommendation that service providers voluntarily implement Sequential Number Assignment, a method to assign numbers in preparation for Thousand Block Pooling. The basic concept is that a service provider would attempt to utilize numbers from a one block of one thousand of numbers before moving to another block, thereby preserving as many thousand blocks as possible.

⁸ A 10,000 batch would be all the numbers in a CO code, e.g. XXX-0000 to XXX-9999. A 1,000 batch in that CO code would be, e.g. XXX-4000 to XXX- 4999.

⁹ For instance, once number pooling is implemented in Minnesota as a result of an FCC order in its number conservation docket, then number blocks associated with duplicated codes, including codes duplicated from the old 612 area code would be subject to pooling, just like

Commission will not give preapproval to assigning an alternate provider more than a 1,000s batch from the duplicated CO code.

B. Who Should Be Allowed to Petition the NANP Administrator for Code Duplication?

An aspect of the Industry Proposal that the Commission accepts without change is the correction of who may file a request for duplication with the NANP Administrator. Currently, the NANP Administrator accepts requests for code duplication only from the code holder, the incumbent carrier. This is a problem for affected carriers (and their customers with “orphaned” CO codes) because the incumbent has no motivation to request duplication to resolve problems encountered by customers it no longer serves and may decide not to request the duplication needed by the affected carrier (its competitor). As noted by AT&T, the reason the “orphaned” CO code issue escalated to the Commission was that currently only the code holder can request duplication of a code.

The Commission agrees that the current situation is not acceptable. The Commission will accept the Industry Proposal on this point and clarify that the NANP Administrator should accept petitions for duplication not only from the code holder (the incumbent) but also from any other the affected carrier, i.e., any carrier (incumbent or competitor) whose customer has an “orphaned” CO code problem that the requested duplication would resolve.¹⁰ Whether the petitioner is an incumbent or a competitor, however, the NANP Administrator must find that the three conditions for CO code duplication (listed above) have been met before authorizing duplication.

ORDER

1. The NANP Administrator should consider requests submitted to it by any affected carrier for duplication of “orphaned” CO codes and approve requests that meet the three conditions stated above in this Order at pages 7-8.

other NXX resources. Thus, duplication of codes would not strand numbers and negatively affect further conservation efforts.

¹⁰ AT&T recommended that the Commission direct the code holder (incumbent) to file a request for duplication with the NANP Administrator when asked to do so by the competitor carrier. The Commission believes, however, that authorizing all affected carriers (incumbents and competitors who have customers with “orphaned” CO codes) to file these requests directly with the NANP Administrator, as proposed in the Industry Proposal, is more fair and efficient.

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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DOCKET NO. P-999/M-97-506
In the Matter of a Relief Plan for the Exhaust of the 612 Area Code

On November 13, 1997, the Minnesota Public Utilities Commission (Commission) issued its ORDER ESTABLISHING AREA CODE RELIEF PLAN, SETTING POLICIES FOR NUMBER CONSERVATION, AND ESTABLISHING TASK FORCE. In that Order, the Commission chose a two-phase approach for area code relief. The first phase was an East-West geographic split with St Paul and the eastern suburbs being assigned the (651) area code and Minneapolis and the western suburbs retaining the (612) area code. The Commission did not configure the second phase, but did note that it expected to separate Minneapolis, Richfield and Fort Snelling from the rest of the western portion of the (612) area code.

On January 26, 1998, the Commission issued its ORDER REAFFIRMING NOVEMBER 13, 1997 ORDER WITH ONE MODIFICATION, GRANTING REQUESTS FOR CLARIFICATION, AND ACCEPTING INDUSTRY'S PROPOSED JEOPARDY ALLOCATION PLAN. In that Order the Commission clarified that local number portability will be restricted to the same area code within a rate center. The Order clarified that this restriction means that numbers may not be ported across the boundary that separates Minneapolis, Richfield, and the Fort Snelling area from the rest of the current (612) area code.

On December 15, 1998, the Commission issued its Order SETTING FURTHER AREA CODE RELIEF, REQUIRING TRAFFIC STUDIES, AND CLARIFYING NUMBER CONSERVATION EFFORTS. The Order states that to satisfy FCC standards for state rationing, the Commission must have an area code relief plan with a specified implementation date. Thus, the Commission ordered a geographic split that assigns the new (952) area code to Minneapolis, Richfield and Fort Snelling. The Split followed municipal boundaries for Minneapolis and Richfield and the wire center boundary for Fort Snelling. The Commission noted in the Order that the proposed plan does not remove the prohibition against porting numbers into or out of Minneapolis, Fort Snelling, or Richfield.

On April 6, 1999, the Commission issued its ORDER AFTER RECONSIDERATION. On reconsideration the Commission ordered a three-way split of the existing (612) area code. With this decision, Minneapolis, Fort Snelling, Richfield and St. Anthony are to retain the 612 area code and the western suburbs are to be divided into north and south regions and are each to receive a new area code. The three-way split is to follow municipal boundaries, except that wire center boundaries are to be followed in areas west of the boundary between Medina and Long Lake/Orono.

On June 4, 1999, the Commission issued its ORDER CONFIRMING APRIL 6, 1999 DECISION WITH MODIFICATION AND FURTHER CLARIFICATIONS. In that Order the Commission reaffirmed its April 6, 1999 decision with the modification that the beginning date for permissive dialing was changed.